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Attorneys for Third-Party Defendant F&S Distributors, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

AVENUE LOFTS CONDOMINIUMS  
OWNERS' ASSOCIATION, an Oregon  
nonprofit corporation,

Plaintiff,

vs.

VICTAULIC COMPANY, a foreign  
corporation,

Defendant.

VICTAULIC COMPANY, a foreign  
corporation

Third-Party Plaintiff,

vs.

SEAL DYNAMICS, a Florida corporation;  
and F&S DISTRIBUTORS, INC., a New  
Jersey corporation,

Third-Party Defendants.

Case No. 3:13-cv-01066-BR

**THIRD-PARTY DEFENDANT F&S  
DISTRIBUTORS, INC.'S MOTION  
FOR CENTRALIZED PRE-TRIAL  
PROCEEDINGS**

Third-party defendant F&S Distributors, Inc. ("F&S") respectfully seeks an Order

centralizing pre-trial proceedings in the following two cases, currently pending in the District Court of Oregon:

1. *Avenue Lofts Condominium Owners' Association v. Victaulic*, Case No. 3:13-cv-01066-BR
2. *Edge Lofts Master Condominium Association v. Victaulic*, 3:13-cv-00492-MO

These cases involve one or more common questions of fact and law, and it is anticipated that similar issues will arise in the discovery and pre-trial phases of the cases.

### **ARGUMENT AND AUTHORITY**

F&S hereby joins Defendant Victaulic Company's ("Victaulic") Motion for Centralized Pre-Trial Proceedings, filed with this court July 29, 2013. F&S incorporates by reference, as though fully stated herein, each of Victaulic's arguments made in support of its motion, and incorporates the declaration and Exhibits attached to the motion.

F&S does not seek to consolidate the cases themselves for trial or discovery. Rather, the order should be limited to centralizing the pre-trial matters.

### **CONCLUSION**

For the reasons stated above, and incorporated herein, and in the interest of

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judicial efficiency and the convenience and efficiency of the parties, F&S respectfully asks the court to centralize the cases for pre-trial matters.

DATED this 30th day of July, 2013.

**BODYFELT MOUNT LLP**

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CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **THIRD-PARTY DEFENDANT F&S DISTRIBUTORS, INC.'S MOTION FOR CENTRALIZED PRE-TRIAL PROCEEDINGS** on the following attorneys on the date noted below via the following method:

Michelle K. McClure Stuart K. Cohen Landye Bennett Blumstein LLP 1300 SW 5 <sup>th</sup> Avenue, Suite 3500 Portland, OR 97201 <a href="mailto:scohen@lbblawyers.com">scohen@lbblawyers.com</a> <a href="mailto:mmcclure@lbblawyers.com">mmcclure@lbblawyers.com</a>  <i>Of Attorneys for Plaintiff</i>	Anne Cohen Smith Freed & Eberhard PC 111 SW 5 <sup>th</sup> Avenue, 43rd Floor Portland, OR 97204 <a href="mailto:acohen@smithfreed.com">acohen@smithfreed.com</a>  <i>Of Attorneys for Defendant/Third-Party Plaintiff Victaulic</i>
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Method: ☐ US Mail, postage prepaid  
☐ Facsimile  
☐ Hand Delivery  
☒ CM/ECF

Dated this 30th day of July, 2013.

BY: /s/ Kirstin L. Abel

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